

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/01/2021

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JONATHAN C. BANYAN,

Plaintiff,

-v-

POLICE OFFICER CRAIG SIKORSKI, POLICE
OFFICER JOSEPH TENNARIELLO, LIEUTENANT
IAN RULE, SERGEANT JOHN BECERRA, THE CITY
OF NEW YORK,

Defendants.
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17-cv-4942 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The Court is in receipt of a letter from Plaintiff, informing it of a retrial date for Plaintiff's criminal case and asserting that no further stay of these civil proceedings is necessary, and from Defendants, requesting that this civil case be stayed until the disposition of Plaintiff's state criminal case. In support of their request, Defendants argue that the outcome of Plaintiff's criminal case has a direct effect on the validity of Plaintiff's claims in this civil action.

The Court previously held that it would try the excessive-force claim on a stand-alone basis if Plaintiff successfully moved the Court for severance or dropped his false-arrest claim. *See* Dkt. No. 201 at 13. Plaintiff has represented to the Court that he has no intention of dropping his false-arrest claim, Dkt. No. 202; *see also* Dkt. No. 204, that he does not believe separate trials are warranted, Dkt. No. 208, and that he would accept a stay of the entire civil case in order to maintain his false-arrest claim, Dkt. No. 202. Defendants agree that separate trials for Plaintiff's claims would not be appropriate. Dkt. No. 209 at 2.

Plaintiff has sought, and received, repeated extensions of time in this matter. *See* Dkt. Nos. 202–204, 207. Defendants have demonstrated that motion practice in this case will be affected by the disposition of Plaintiff's criminal case. Plaintiff, having requested a series of extensions of time, has not demonstrated any sufficient or incremental prejudice from staying his civil case until the conclusion of his criminal case.

It is therefore ORDERED that the status conference currently scheduled for November 8, 2021 is cancelled. It is further ORDERED that the action is STAYED until the conclusion of Plaintiff's state-court criminal trial. By January 18, 2022, the parties shall submit a joint status

report informing the Court of the status or outcome of the Defendant's state criminal trial.

SO ORDERED.

Dated: November 1, 2021
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written above a horizontal line.

LEWIS J. LIMAN
United States District Judge